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ABSTRACT

This paper provides a critical review of the 1994 Utah Legislative session as it relates to public and higher education in the state. The paper discusses the defining contextual features of the 1994 Legislative Session, the agendas of key state educational policy actors for the 1994 session, and significant issues and legislation in the public-education and higher education sectors. The emergence of educational issues occurred within a context that was defined by an array of givens and tensions: unanticipated, record-setting tax revenues; election-year politics; demands for tax relief from a Republican-controlled, fiscally conservative Legislature; demands for tax equity from Democratic leaders; aggressive gubernatorial leadership; and the existence of demands created by the deficit-needs of various state agencies. In many ways, public and higher education fared quite well during the 1994 session. However, despite record-setting revenues, healthy budget increases, and gubernatorial success with the Legislature, it would appear that the 1994 Legislature did little in terms of innovative and substantive reform. Instead, the Legislature seemed content with maintaining the status quo, opting for incremental increases in existing programs and agencies. The result was business as usual, but at higher spending levels, and failure to address long-term needs of the state. The Legislature could have allocated resources more strategically, which would serve to: (1) buffer the effects of future economic fluctuations on the state's education systems; (2) prevent the creation of expectations among state agencies and citizens that cannot be maintained; and (3) allow the state to invest in promising areas of educational innovation and reform. Five tables and 103 footnotes are included. (LMI)

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July 1995

Paper written for the Utah Education Policy Center Yearbook, 1994-1995
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As is noted in the Constitution of Utah, the Utah Legislature is charged with providing for the establishment and maintenance of two, non-sectarian systems of education in the state.[1] These include a system of public education and a system of higher education. In fulfilling this constitutionally-based charge, the Utah Legislature meets on an annual basis to consider matters of concern in these and other areas of state government.[2] While the number, significance, and impact of the policy decisions made by this legislative body vary from year to year, decisions that affect the governance and operation of both public and higher education are made annually.

Given the character of the American electoral system, participation in the policy-making process at all levels of government may be described as *fluid*. The actors in a given policy-making arena change over time; elected officials, bureaucrats, and lobbyists come and go. An examination and comparison of individuals holding elected office and key positions in the Utah Legislature during the 1990, 1992, and 1994 sessions attest to this fluidity.[3] It would appear that such fluidity accounts for a degree of the variability in legislative focus from session to session and year to year.

When comparing the nature and character of legislative sessions within a single state across years,[4] other factors likewise focus and define the legislative agenda for a given year. For example, it would appear that factors such as public opinion, gubernatorial priorities, economic

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[1]Utah Constitution, Article X, Section 1.

[2]The Utah Legislature is required by the Utah Constitution to meet in an annual general session that is not to exceed 45 calendar days. This annual session convenes on the third Monday in January of each year. In addition, the Governor has the prerogative to convene the Legislature in "extraordinary" or "special" sessions to address specific concerns. Such sessions, however, cannot exceed 30 calendar days. See the Utah Constitution: Article VI, Sections 2 and 16; Article VII, Section 6.

[3]All members of the Utah House stand for election/re-election biennially in even-number years. Members of the Utah Senate have four-year terms of office. Half of the Senate stands for election/re-election in each biennium. See the Utah Constitution: Article VI, Sections 3 and 4.

[4]And for that matter comparing the nature and character of legislative sessions in the same year *across* States.

vitality, resource availability, partisan politics, a significant crystallizing event, and immediate and pressing problems function to focus the attention of policy-makers. Considered *en toto*, these factors may be likened to a dynamic constellation of sorts. On the one hand, as a constellation in a given *point in time*, such factors come together to define the context of a particular legislative session. On the other hand, these factors are *dynamic* and subject to change from year to year (and perhaps within a given year), e.g., public opinion changes, gubernatorial agendas and priorities are subject to change, the economy fluctuates, the availability of resources varies, etc. Although this metaphor is somewhat imprecise, it appears to have some utility for helping one understand those factors which define the character of a *given* legislative session. More importantly, this metaphor and these factors suggest that the character, dynamic, issues, and products of a given legislative session are somewhat unique.

In the context of educational policy, the particular interests and focus of a given legislative session are never totally predictable. To be sure, the emergence from year to year of certain educational issues is predictable. Debates over funding and facilities, for example, would appear to be perennial. However, other issues appear less predictable, both in terms of their presence on the legislative agenda and the publicity they receive.

With these caveats in mind, the purpose of this chapter is to provide a critical review of the 1994 Legislative session as it relates to public and higher education in Utah. To the extent that a given policy relates to public or higher education, the focus here is necessarily *limited*. More specifically, attention will be given to those educational policies deemed most significant, i.e. those judged as having an immediate, substantive, and/or symbolic impact on educational governance and practice in Utah. To the extent that the author seeks to describe and interpret the political context out of which these various educational policies emerged in the session, the

review is intended to be *critical*.[5] Thus, in seeking to describe and make sense of the 1994 Utah General Legislative Session, two sets of lens are utilized: an educational lens and a political lens.

In addressing this purpose, the chapter is divided into several sections: defining contextual features of the 1994 Legislative Session; noted agendas for the 1994 Session; significant issues and legislation in the public education sector; significant issues and legislation in the higher education sector; and reactions and summary of the 1994 Session.

. Before and after reading the chapter, the reader is encouraged to reflect on the titles given each section and on the sequence in which they appear in an attempt to discern and grasp the logic which connects them. In addition, one should avoid examining the trees at the expense of the larger forest. When examining policy, the temptation to focus exclusively on a single piece of legislation without giving attention to the greater context is ever present. Further, the reader is encouraged to put this chapter in the context of a series of articles that have been written describing and summarizing educational policy as passed by the Utah Legislature in previous years.[6]

The Political Context

A retrospective look at the character and dynamics of the 1994 Utah Legislative Session requires that one consider the larger context out of which the Session emerged. Given that state government is charged with creating and sustaining a wide range of public services, the vitality of

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[5]Given that this description and interpretation are offered by a single individual, the limitations and biases associated with this approach should be duly noted.

[6]For an analysis of the impact of the Legislature on education in other years see the following in previous Utah Education Policy Center Yearbooks: David J. Sperry and Bob L. Johnson, Jr., "The Organization and Control of Public Education In Utah," 1992-93 Yearbook; Bob L. Johnson, Jr., "The Profile and Character of Educational Reform in Utah, 1983-1993, 1993-94 Yearbook; and Bob L. Johnson, Jr. and David J. Sperry, "The 1993 Utah Legislative Session: Policy Implications for Educational Structure and Governance," 1993-94 Yearbook.

a state's economy in the years immediately preceding and following the Session is of crucial importance. This importance is underscored by the fact that the services provided by state government are financed by revenues generated from a wide array of taxes. The amount of revenue available for the financing of these services is a function of both the anticipated economic decline or growth from year to year.[7]

Perhaps the most defining feature of the 1994 Session was the amount of state revenue made available to Legislators as a result of the tax surpluses collected during the 1993-94 fiscal year. While pre-session estimates from legislative analysts hovered around the $200 million mark, by Session's end the surplus exceeded $300.[8] As noted by Governor Michael Leavitt in his 1994 State of the State Address, "Never before has our state seen such economic vibrance"....over the past year we have experienced a 12% increase in consumer spending, the fastest job-growth rate in the country, and the second highest growth in personal income among all 50 states.[9] In approving the final $4.5 billion budget, Utah Legislators divided up by far the largest amount of tax-generated revenue in the State's history.[10]

Yet, while such income was welcomed in 1994, revenue surpluses vexed lawmakers as well. This became evident as law-makers wrestled with two key budgetary questions, both political in nature: 1) Given the tax-revenue surplus, how much money does the State of Utah *actually* need to operate state services for fiscal year 1994-1995? and, 2) How will the money that is allocated to

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[7]A variety of taxes is used to finance federal, state, and local governments. It should be noted, however, that certain types of taxes are more sensitive to changes in the economy than others. This *elasticity* varies from tax to tax.

[8]"Budget Goals Thrown Awry: By Money," Deseret News, March 3, 1994.

[9]See Governor Michael O. Leavitt, "1994 State of the State Address," January 17, 1994. See also 1994 Economic Report to the Governor, Salt Lake City, Utah: Office of the Governor, January 1994.

[10]See State of Utah: Budget Summary, Fiscal Year 1995 and Fiscal Year 1994 Supplementals. Salt Lake City, Utah: Governor's Office of Planning and Budget, 1994.

state government for fiscal year 1994-95 *be divided* among various government bureaus and agencies? Both questions proved to be the focus of much political debate throughout the 45-day Session.[11] In seeking to address each, other defining features of the Session functioned to frame the tone of the debate and answers which would eventually emerge.

To begin with, 1994 was an election year for the Utah Legislature. Of the 105 Utah legislators, all members of the House and approximately half of the Senate were up for re-election. Given that the typical legislator has aspirations of being re-elected, legislators tend to favor and act on those bills which increase their popularity and favorability with politically-active constituents. Hence, the typical legislator seeks to associate him/herself with "good" policy. In a political culture known for its fiscal conservatism, "good" policy is frequently defined as policy which is both effective and efficient, i.e policy that the public perceives as contributing to the good of the commonweal, policy in which the ratio of *resource* inputs to outputs is maximized, and policy whose costs present a minimal burden to tax-payers.

In addition to the revenue surpluses enjoyed by the state and the scenario created by election-year politics, talk regarding a state-wide tax cut began more than a month before the opening day of the Session. Conservative republicans in both houses called for "tax relief."[12] Though concerned that tax revenues had increased faster than citizen's incomes in the previous year, Governor Leavitt proved hesitant to endorse such talk. As expressed in his State of the State Address, this hesitancy was rooted in an attitude of cautious optimism regarding the short-term economic vitality of the state. Concerned about the potential closure of Hill Air Force Base

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[11]In many ways, both questions represent classical political dilemmas for policy-makers at various levels of government. These dilemmas are captured and restated in the following questions....."*Now that the pie has grown, does it need to be this large? Regardless of the size of the pie, how will it be sliced?*"

[12]"Prediction of $201 million in New Money Prompts GOP to Seek Tax Relief," Deseret News, December 16, 1993.

by the federal government, the Governor proposed that a portion of the surplus be used to create a "boom buffer" in anticipation of more challenging economic times.[13] In addition, the growing demands and requisite needs faced by various state agencies made the Governor less eager to pursue talk of tax cuts. Echoing this view prior to the opening of the Session, Utah Democratic Party chairman and state representative David Jones (D-Salt Lake) noted, "We need to clearly assess the deficits - the deficits of *need* - that have built up in public education and corrections before we talk about tax cuts."[14].

To complicate the debate further, a report issued by the Utah State Tax Commission prior to the opening of the General Session concluded that the burden of taxation in Utah favored upper-income households at the expense of the poor and middle classes. Driven by concerns for tax equity and armed with the data from this state-sponsored study, Utah democrats focused their attention on the issue of tax fairness as opposed to tax cuts.

In sum, these emerging issues, tensions, and political currents appear to have defined the larger context in which the 1994 Utah General Legislative Session was conducted: record-setting tax revenues, election-year politics, demands for a state-wide tax cut from a republican-controlled Legislature, democratic concerns for a more equitable tax structure, and an increasing demand for greater resources from various state agencies. Specific educational policies addressed by the Utah Legislature in 1994 should be interpreted against the backdrop of this broader context. Before discussing these specific policies, however, an examination of the priorities and agendas of key state educational policy actors for the 1994 Session is in order.

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[13]Governor Michael O. Leavitt, "1994 State of the State Address," January 17, 1994.

[14]"Legislature: Session Starts January 17," Deseret News, January 9, 1994.

Noted Education Agendas

While normative and idealized theories of democracy are often used in political debate to justify the continued existence of current forms of governance, no clear consensus regarding the control of the policy-making process in various governmental decision-making arenas exits, e.g. Is the policy-making process controlled by an individual, group of elites, a plurality of groups or equally by all who choose to participate in the governmental process? In spite of this lack of consensus, however, it would appear that certain individuals and groups have greater ease-of-access to, and, as a result, exercise more influence over the decision-making process than others. For example, one would expect that the State Superintendent of Public Education would have more influence on educational policy at the state level than the average citizen who holds no public office. Likewise, one would expect an organized, well-financed interest group to have greater access to decision-points than the average citizen.

Having noted this, an understanding of the political agendas of those key individuals or groups who - on the basis of their position, political resources, and/or persuasive abilities - influence the decision-making process in the public and higher education sectors would appear useful. While not intended to be exhaustive, the following individuals and/or groups appear to be influential in the educational policy-making arena at the state level: the governor, the legislature, legislative sub-committees, executive educational bureaus and their chiefs (e.g., state departments of education, state boards of public and higher education, etc.), educational interest groups and issue networks. Though the agendas of each will not be discussed, the agendas of those individuals/groups who have a noted and visible interest in the development of educational policy at the state level will be surveyed.

As has been noted elsewhere, the Governor's influence in the policy-making arena lies primarily in his/her ability to influence the legislative agenda.[15] While control of this agenda is far from complete, the influence of the chief executive in such matters cannot be ignored.[16] This influence is exerted in two primary ways: the high visibility enjoyed by the gubernatorial office; and the Governor's role in the budgetary process. The high visibility of the gubernatorial office affords the office-holder easy access to other key policy makers and the media. When combined with an individual skilled in debate and the art of persuasion, such access can result in a considerable amount of influence. The crucial role played by the Governor in preparing the initial working budget of the Legislature allows further influence in the setting of the legislative agenda.[17] While it is rare that all recommendations offered by the Governor are adopted, the allocation of resources found in this initial proposal in many ways reflects the values and priorities of the chief executive. In Utah, the preparation and presentation of this initial budget represents a distinct advantage for the governor.

In the context of the 1994 Utah General Session, the agenda of Governor Michael Leavitt was discernable in both his State of the State address and his proposed budget. Continuing with his theme of taking state government in Utah to a "whole new level of performance," the Governor specifically identified the following aims for his administration: to make "world-class education" the standard in Utah, to build a stronger economy around "quality, high-paying jobs;" to protect as a "precious asset our enviable quality of life;" and to increase the "efficiency and

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[15]John W. Kingdon, Agendas, Alternatives, and Public Policies, New York: Harper-Collins, 1984.

[16]It is worth noting that the level of influence and control exerted by the chief executive over the legislative agenda varies across individuals, legislative sessions, legislative arenas, and time.

[17]Though made available in draft form to the Office of the Legislative Fiscal Analyst on a confidential basis, this working budget is presented to the Legislature within three days of the convening of the Legislature in annual general session. See Utah Code Unannotated: 1994, 63-38-2f.

productivity of state government."[18] Noted characteristics of Governor Leavitt's *first* proposed budget include a total budget recommendation of $4.5 billion - a 9.8% recommended increase in spending ($201 million) over fiscal year 1993-94 - with no tax increases or cuts.[19]

The Governor's education agenda was likewise reflected in the specific recommendations offered in the 1994 State of the State Address and proposed budget. For public education, Governor Leavitt recommended an increase in funding of 6.7% ($1.6 billion) over fiscal year 1993-94. Included in this recommendation were a proposed 4% raise for teachers, an expansion of the highly-touted gubernatorial initiative known as the Utah Centennial Schools Program, additional funding for schools and children at risk, funds for class size reduction in the lower grades, and funds to supplant the elimination of school textbook fees. In addition, and in light of his controversial veto of an educational capital-outlay financing bill passed by the 1993 Legislature, the Governor proposed to remove $4 million worth of sales-tax exemptions to finance the construction of new schools across the state.

The Governor's higher education agenda for the 1994 Legislative Session proved less specific and detailed than his public education agenda. As reflected in his budget proposal, the Governor recommended a budget of $549 million for fiscal year 1994-95: an increase of 8.3% from the previous year. Going into the 1994 Session, two specific concerns in higher education appear to have captured the Governor's attention: increased higher-education enrollment growth and technology. With reference to the former, Governor Leavitt recommended that $9.7 million be directed toward funding this growth. Consistent with a theme established early in his tenure, Governor Leavitt likewise recommended an increase in the state's investment in technology. As

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[18]All quotations here taken from the 1994 State of the State Address. See Governor Michael O. Leavitt, "1994 State of the State Address," January 17, 1994.

[19]See proposed budget, Governor Michael O. Leavitt.

captured in a new initiative entitled *Technology 2000*, an interest was expressed in coordinating the technological and educational efforts of local governments, schools, universities, colleges and the private sector. Toward this end, and with the goal of investing $120 million by the year 2000, the Governor proposed that a $30 million "down payment" be included in the 1994-95 state budget.[20]

While the Governor's primary influence lies in articulating an agenda for the state, it is the legislature who actually sponsors and votes on policy. As in most states, the fundamental division in the Utah Legislature is along party lines. Going into the 1994 Session, the focus of House and Senate Republicans appeared to be on the following issues: tax cuts of various kinds, responsible spending in state government, health care reform, and a renewed articulation and defense of state's rights.[21] In terms of education, the attention of the party focused on such issues as gang violence and school safety, increased funding for programs targeting at-risk students, school fees, and extending the school year to 220 days.[22] Though of the same party, conservative republicans proved tentative in acting on the increased budget recommendations of Governor Leavitt. As noted earlier, Republican talk of tax cuts emerged in late November of 1993 - two months prior to the Session.

The legislative agenda for Utah Democrats was in many ways similar to that of Republicans, yet at the same time distinct. Prior to the opening of the Session, concerns and interests focused on such issues as tax fairness, tax restructuring, and legislative reform, e.g. reform of the work and activities of lobbyists and the operation of House and Senate Rules

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[20]Again, see Governor Michael O. leavitt, "1994 State of the State Address," January 17, 1994.

[21]"Legislative Agenda," Deseret News, January 9, 1994.

[22]Ibid.

Committees.[23] Education issues identified by party leaders were rooted in concerns over crime, gang violence, school safety, at-risk students, and underfunded systems of public and higher education. In contrast to state Republicans, Utah Democrats proved fairly supportive of the Governor's budget recommendations.[24]

As the state-executive agencies responsible for the implementation of public education policy in Utah, the political agenda of the State Board *and* Office of Education must likewise be considered when reflecting on the outcomes of the 1994 Utah Legislative Session. The views and agenda of these agencies were represented in the policy-making process by the work and activities of the State Superintendent of Public Instruction, Scott Bean, and his immediate staff[25]. In examining archival records of the Session, the defining theme of this group was that of increased funding. Frustrated that Utah policy-makers had failed to fund the specific reforms identified in the Utah Strategic Plan for Public Education, Bean and associates sought resources to adequately fund these proposed reforms. More specifically, additional funding was sought for the following areas: student transportation ($7 million), a comprehensive student guidance program ($3.3 million), teacher in-service training in technology and reform, increased funding for programs for at-risk students, and a 220 School-Day Pilot Program ($1.7 million).[26] In light of this call for increased funding, Republican talk of tax cuts was received rather harshly by officials at the Utah State Office of Education. Speaking a week before the opening of the Legislative Session,

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[23]Ibid.

[24]"Legislature: Session Starts January 17," Deseret News, January 9, 1994.

[25]e.g., Deputy State Superintendent Laurie Chivers and Coordinator of School Law and Legislation at USOE, Doug Bates.

[26]See the following: "Educators Will Pursue Fund for Critical Areas," Deseret News, January 15, 1994; "Time Has Come to Experiment With 220-Day School," Deseret News, January 26, 1994; "Education Bills Aim to Boost Strategic Plan, Deseret News, February 1, 1994.

Superintendent Bean remarked, "We're prepared to dig in our heels to resist any talk about tax cuts. The pressure to adequately fund the state system [of public education] will not abate."[27] Echoing this frustration, Deputy Superintendent Chivers noted, "For years they've [the Utah Legislature] told us if they had the money, they'd give it to us. They've given us part of the surplus this year, and I hope that's how it will continue."[28]

Though often viewed by lawmakers as a self-interested, reactive organization, the Utah Education Association (UEA) is by far the largest organized teachers' group in the State. UEA's grassroots-level organizational structure and strong funding base have made it a highly visible and consistent political actor in the public education policy arena over the years. Under the dynamic leadership of Lily Eskelsen, the agenda of the Association has focused primarily on protecting and extending the interests of its members. During the 1994 Session, UEA appeared to be preoccupied with four major concerns: increased salaries for teachers, class size reduction, violence and crime in schools, and opposition to talk of statewide tax cuts. In making its case for increased teacher salaries, UEA argued that either the Legislature cut class sizes or that an additional 2% increase above and beyond normal salary raises be given to teachers to deal with "the largest class sizes in the nation."[29] Concerns over school safety were also voiced by UEA. Specifically, UEA proved active in seeking legislation that would give officials more latitude and authority in confiscating weapons found on school property. The Association also lobbied for the creation of stiffer penalties for students who brought such weapons to school and for those

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[27]"Legislative Issues," Deseret News, January 9, 1995.

[28]"Educators Will Pursue Funds for Critical Areas," Deseret News, January 15, 1994.

[29]According to the most recent editions of the Digest of Educational Statistics published by the U.S. Department of Education, Utah has the largest pupil-teacher ratio in the country. See also "Utah Teachers Seek Extra Pay for Class Size," Deseret News, December 10, 1993.

perpetrating crimes against educators.[30] Talk of tax cuts by Republicans was aggressively opposed by UEA. In an unusual and controversial move, UEA took to the radio waves in an attempt to pressure lawmakers to use the state's surplus to fund education. Commenting on UEA's stand, Executive Director Lowell Baum noted, "What we're saying to the public and the people of Capitol Hill is that this is the time for us to make a thrust forward to make sure our kids get a break.....UEA thinks it's time to use the [surplus tax] money to fulfill the Strategic Plan for education..."[31]

The agenda for the higher education community in the state during the 94 Session, as given voice by the Utah State Board of Regents and Commissioner of Higher Education, focused on two primary and related issues: increased funding for growing enrollments and technology.[32] It should be noted that both concerns proved consistent with those expressed and targeted early in the Session by Governor Leavitt. Differences between the two agendas, however, were evident in the proposed sources and amounts of these funds. Whereas Governor Leavitt proposed a $549 million budget for higher education in Utah, with $394 million coming from taxes, the Regents made an initial budget request of $571 million, proposing that $411 million be drawn from state taxes. Much of the budget debate focused on ways to efficiently address the needs created by increased enrollments in the system. Consistent with the Governor's call for an investment in technology, the Utah State Board of Regents sought $76 million from the Legislature to build the information highway in Utah. Suggesting that the State invest this over the next four years, the Regents encouraged the Legislature to approve a one time $64 million bond issue to finance the technology initiative for 1994.

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[30]Ibid.

[31]"UEA Radio Ads Ask State for Surplus," Deseret News, February 14, 1994.

[32]"Regents Point to Success of High-Tech Programs," Deseret News, January 27, 1995.

While this review of noted education agendas is far from exhaustive, the intent has been to provide one with a sense of those ideas, concerns, and goals held by a select group of policy actors in the public and higher education policy-making arenas during the 1994 Legislative Session. Points of consensus and cleavage are discernable. In the public education sector, for example, school safety issues were of concern in all of the agendas noted here. Likewise, salary increases and the funding of reforms identified by the Utah Public Education Strategic Plan appeared to be high priorities for the general public education community. In higher education, funding for increased enrollments and technology represent priorities identified by the Governor and Utah State Board of Regents. Tensions and disagreements regarding the allocation of resources were evident in both sectors, i.e., in terms allocation targets and levels. Allocation issues were further complicated by the pro- and anti-tax sentiments brewing before the Session. The background provided here is intended to provide a context with which to understand and interpret those specific education policies discussed below.

Legislation: Public Education

While a detailed discussion of each specific piece of legislation is beyond the scope of this chapter, a list of approved bills directly affecting public education is found in Table 1.[33] Given these limitations, the strategy of presentation employed in this and following sections is to focus on those dominant themes and issues perceived to exist across the entire set of educational

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[33]The attention of the reader is called to the adverb "directly" and the ambiguity associated with it. Realizing that there are many bills in each session which indirectly affect the governance structure and process of education, the author has purposely chosen to focus on those pieces of legislation which have a direct and noticeable *potential* impact on education. Primary attention is given to legislation assigned to the standing Education and Finance Committees in each House. For the 1994 General Legislative Session, copies and descriptions of each of these bills can be found in the House and Senate Journals and the Laws of Utah. Unless otherwise noted, less attention is given to legislation and issues that have been addressed in previous reviews, e.g., State Trust-Lands legislation, State School Board legislation, class-size reduction appropriations, etc.

legislation. In as much as a specific bill or set of bills is seen as illustrating these perceived themes and issues, the bills are discussed.

Safe and Orderly Schools

Safety for all school personnel was a dominant public education theme for legislators prior to and during the 1994 General Session. A special session of the Legislature was called by Governor Leavitt in October 1993 to deal with what was perceived to be a growing problem in Utah: violent gang activity. By January of 1994, concerns over violence both in and out of schools and its effects on the State had intensified. Such concerns quickly moved center stage, capturing the attention of state lawmakers.

In the context of public education, concerns by various educational interests focused on the disruptive effects of recalcitrant students, gang activity, and suspicious school personnel on schooling and the teaching-learning process. By Session's end, no less than 30 bills, each addressing various aspects of the safety issue, had been introduced.[34] Of these, eleven would become law. Three representative bills, each of which addresses various aspects of the safety issue, are presented for consideration below.

Public School Uniforms - Perhaps the most symbolic school safety bill introduced and passed during the 1994 Legislative Session was the Public School Uniform Bill (SB 15-94). As sponsored by the chair of the standing Senate Education Committee, Senator Howard Stephensen (R-Draper), SB 15-94 received a great deal of publicity throughout the Session. Specifically, the legislation granted local school boards the authority to adopt a dress code requiring uniforms for students in a given district. As stated in the legislation, SB 15-94 rests on four assumptions 1) that each student should be allowed to learn in a safe environment, free from unnecessary disruptions; 2) that the wearing of certain types of clothing identifies students as members of

[34]See Journals of the Legislature of the State of Utah for the year 1994.

gangs; 3) that such clothing has contributed to disruptive behavior and violence in schools; and 4) that uniforms will help avoid the disturbances and disruptions of the classroom atmosphere presented by gang clothing.[35]

The lack of consensus between and among lawmakers and the educational community regarding these and other assumptions proved to be the source of heated debate. Opponents to the bill objected on a variety of grounds: the constitutional rights of students; the need to promote diversity as opposed to uniformity; the possible costs for low-income families; and the logistics of enforcement. Speaking against the bill, UEA President Lily Eskelsen identified the costs and constitutional overtones associated with it, "Demanding certain clothing could require school districts to provide waivers for parents who can't afford uniforms.....[further], such demands raise issues of free expression."[36] Phil Oyler of the Utah Association of Secondary School Principals noted potential problems that the bill would create for teachers and principals, "The policies will pull school officials away from academics to police hallways and fend off complaints from dissenting parents."[37]

In spite of such opposition, however, the bill passed. An examination of the voting patterns in both Houses reveals the lack of agreement among Legislators on the issues. In retrospect, the importance of SB 15-94 appears to lie as much in what it represented than in its actual substance. The bill and ensuing debate point to the inability of simple solutions to fully resolve complex, interconnected problems and issues. Nevertheless, passage of SB 15-94 signals an initial recognition of a problem of growing public concern.

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[35]See "Public School Uniform Bill: SB 15," Laws of Utah, 1994.

[36]"Legislative Wrap-Up," Deseret News, January 19, 1994.

[37]"School Officials Cool Toward Bill Pushing School Uniforms," Deseret News, February 10, 1994.

** Insert Table 1 Here **

Safe and Orderly Learning Environments - In an attempt to expand the options available to schools for dealing with habitually disruptive students and to foster the development of a safe learning environment in the classroom, the Learning Environments for Public School Students Bill (HB 209-94) was approved by the 1994 Legislature. The bill requires that school districts develop, codify, and distribute student-discipline policies which foster such an environment. As sponsored by Representative Kevin Garn (R-Layton), HB 209-94 allows administrators greater latitude in student expulsion, while at the same time providing for expulsion alternatives which increase the level of responsibility for affected parents. In considering the bill, members of the House Education Committee revealed dual sensitivities.[38] On the one hand, sympathy was shown for teachers whose classes suffer from the continuous disruptions caused by a small percentage of students. On the other hand, in crafting the bill, care was taken by legislators to insure that educators did not allow such students to be prematurely forsaken by the system. Within the context of the larger safe and orderly learning environment theme evident in the Session, HB 209-94 represented an attempt by the Legislature to focus on issues at the classroom level.

Access to Criminal Records, Reporting and Background Checks - Whereas the bills on safe schools noted above focused solely on students, a bevy of bills aimed at increasing the level of safety in schools had as their focus students, teachers, and school personnel. Two bills aimed at helping administrators manage and anticipate student disruptions were passed. The Reporting Violent Juvenile Offenders to Schools Bill (HB 230-94) requires that juvenile courts notify school

[38]Minutes, House Education Standing Committee, Jan 28, 1994.

Table 1: State of Utah 1994 General Legislative Session Approved Bills: Public Education

Bill Number	Title	Lead Sponsor
HB 22:	School Zone Safety Speed	Waddoups
HB 29:	Program for Suggestions by School Employees	Suazo
HB 40:	Blind Persons' Literacy Rights and Education Act	Jorgensen
HB 70:	School District Construction Projects	Haymond
HB 71:	Reauthorization of School Fees Task Force	Lyon
HB 73:	Class Size Reduction Amendments	Evans
HB 93:	Appropriation for Educational Facility	Fuller
HB 97:	Education Criminal Background Checks	Waddoups
HB 100:	Centennial Schools Amendments	Garn
HB 126:	Firearm Safety Education	Haymond
HB 177:	State Board of Education Powers Amendment	Garn
HB 189:	Protection of Students Exchange Student Programs	Atkinson
HB 190:	Expanded Centennial Scholarships	Haymond
HB 204:	Reporting Criminal Activity in Schools	Shepherd
HB 209:	Learning Environments for Public School Students	Garn
HB 212:	Appropriation for Gang Prevention and Intervention Prgm	Short
HB 230:	Reporting Violent Juvenile Offenders to Schools	Shepherd
HB 250:	School and Institutional Trust Lands Management Act	Brown
HB 295:	Teacher Training in Sensory Impairments	Protzman
HB 318:	Mineral Lease Allocation	Johnson
HB 342:	Crimes Against Educators	Shepherd
HB 403:	Utah Family Education Rights and Privacy Act	Bishop
HB 458:	Appropriation for Partnership with Troubled Youth	Fox
HB 465:	Minimum School Program Act Amendments	Garn
HCR 1:	Individualized Education Resolution	Garn
HJR 15:	State Sch Fund & Uniform School Fund Const. Amdt.	Brown
SB 15:	Public Schools Uniforms	Stephenson
SB 20:	Utah Assistive Technology Foundation Appropriation	Howell
SB 21:	Educational Technology Initiative Amendments	Steele
SB 33:	Orderly School Termination Procedures Amendments	Rees
SB 38:	Penalties for Damaging, Destroying, or Losing School Prop	Steele
SB 41:	Certification of Interpreters for the Hearing Impaired	Richards
SB 42:	Teaching of American Sign Language	Richards
SB 44:	School Fee Waiver Amendments	Steele

districts of students convicted of violent weapon offenses. In addition, principals are required to notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed. According to its sponsor, Rep Paul Shepherd (D-Salt Lake), HB 230-94 is a preventative measure, "The bill will help us ensure school and community safety by identifying those students with violent backgrounds and criminal records. It will allow staff members to create preventive strategies."[39]

Though in agreement with the objectives articulated by Shepherd in the bill, Darrell White, Executive Director of the Utah School Superintendents Association, raised concerns over the liabilities associated with it,....."the problem with the bill is that it hasn't been thought through. If a teacher is informed that there is a violent offender in the classroom and that child injures someone, that could create a liability." To address these concerns, provisions regarding the limited liabilities of such knowledge for involved school and district personnel were included in the bill.

In a second bill aimed at improving the management of school-based violence, the Utah State Office of Education (USOE) was charged with including in its annual Superintendent's report statistical information regarding incidents of delinquent activity in schools (HB 204-94). As of June 1, 1994, specific incidents to be reported are those relating to alcohol and drug abuse, weapons possession, assaults, and arson. The ostensible intent of the HB 204-94, Reporting Criminal Activity in Schools, was to provide USOE with a tracking mechanism for crime. Its passage suggests growing concerns among Utahns over the perceived deleterious effects of increased crime and violence on the quality of public education in the state.

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[39]"Legislator Wants to Keep Tables on Criminals in Utah Schools," Salt Lake Tribune. February 12, 1994.

Continuing with the initiatives taken during the 1993 Legislative Session, two bills aimed at screening and dismissing school employees and volunteers were also passed. The Education Criminal Background Checks Bill (HB 97-94) allows local districts and private schools to subject potential employees and volunteers to a criminal background check as a condition for employment. As sponsored by Michael Waddoups (R-Salt Lake), the intent of HB 97-94 is to prevent child molesters from gaining employment in schools.[40] In this same spirit, amendments to the Orderly School Termination Procedures were also adopted (SB 33-94). To increase the legal authority of the district over school personnel, statutory provisions regarding disciplinary and dismissal actions against teachers were amended and expanded to include *all career and provisional employees* of the district.[41]

Funding and Finance

Regardless of the policy sector being considered, debates in legislative arenas regarding the allocation of resources are often the most heated and prolonged. As the end of the session in question draws near, the intensity of such debate often increases. Given that well over 40 pieces of legislation relating to public or higher education were passed during the 1994 Session, the opportunities for heated and prolonged debate were many. In the area of public education, three specific issues of education funding and finance are worthy of note: school fees, equalization of capital outlay, and the state income tax dedication.

School fees - During the past several years, few issues have proven more controversial in Utah's system of public education than the school-fees issue. To understand the full import of this issue during the 1994 Legislative Session, one must consider its history. Over the years, public education in Utah has come to rely heavily on the charging of fees to students in secondary

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[40]"Whom Legislators Helped, Hurt," Deseret News, March 3, 1994.

[41]See Utah Code Unannotated: 1994, 53A-8-102f.

schools for various purposes: textbooks, class supplies, extra-curricular programs, etc. The precedent for this practice can be traced back to constitutional and statutory provisions dated as early as 1896 with the establishing of the Utah Constitution. However, only since 1980 has the issue surfaced as a consistent focus of debate at the state level. The last 15 years have seen a dramatic rise in the use of school fees as a revenue source for local schools in Utah. According to Weathers and Crim (1992), the result of this practice has been the emergence of a *two-tiered* educational system in which low-income children suffer *de facto* segregation.[42] Concerns over the inequities created by school fees have led to the creation of various taskforces to address the issue. Two recent attempts are worthy of note. In the closing days of the 1985 General Legislative Session, an interim committee was formed to deal with the impact of the policy on low-income students. At the request of this legislative committee, the Utah State Board of Education created a School Fee Task Force. This Task Force was charged with developing a school-fee policy to govern all local-district fee policies and procedures.

The following year and at the recommendations of this interim committee, two school-fee bills were passed by the Utah Legislature. The bills created the following statutory provisions: that local school boards approve all fees that are charged; that fees be waived for low-income students; and, that parents be notified of the waiver guarantee.[43] In that same session, the Utah Legislature passed a Joint Resolution to end the constitutional guarantee of free public education for public education for secondary students, allowing the authorization of fees by the Legislature. Voters approved this constitutional amendment in November 1986.

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[42]See Shirley Weathers and Bill Crim, School Fees in Utah: The Law and the Practice. Salt Lake City, Utah: Utah Issues Information Program, Inc, 1992.

[43]These bills were as follows: SB 23-86 and SB 252-86, Laws of Utah, 1986. Also, for a detailed description of these provisions see 1994 Utah Code: Unannotated, 5A-12-102, 103, and 104.

Since 1986, concerns regarding consistent, fair, and equitable implementation of school-fee provisions have been the focus of considerable and ongoing legislative and legal debate. Proposals ranging from the elimination of all fees to the extension of fees to all grades have appeared. After a series of complaints and litigation by various educational interests, the 1993 Utah Legislature created yet another task force to examine the school fee issue. Co-chaired by Representative Nancy Lyon (R-Bountiful) and Senator David Steel (R-Roy), the Task Force met on a monthly basis during 1993. In December of 1993, a month prior to the opening of the 1994 Legislative Session, the Task Force recommended to the Interim Education Committee that $3.6 million be appropriated by the Legislature to eliminate textbook fees in Utah. Fearing the political repercussions of such an increase in an election year, the Republican-controlled Interim Education Committee voted against the Task Force's proposal.[44] Reacting to this decision, David Challed, an attorney for Utah Legal Services, Inc. and a member of the Legislative School Fees Task Force observed...."current consternation about fees is the result of an under-funded school system.....We have made administrators bill collectors....The state has doggedly refused to raise taxes to adequately fund education, but fees are taxes that have been raised significantly in recent years."[45]

Debate over the school fee issue prior to and during the 1994 Legislative Session appears to have focused on three major issues: 1) whether schools fees are in reality an unfair *head tax* that sidesteps the public's obligation to fund education; 2) whether local districts should have the latitude to decide whether waivers should be offered to children who cannot afford them; and 3) whether students should be required to "work off" a wavier through service to the school

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[44]See Minutes of the Education Interim Committee, December 15, 1993.

[45]"Funding Source May be One for the Books," Deseret News, December 14, 1993.

community or at home.[46] In the end, the 1994 Legislature avoided making a decision resolving the school fee issue. Only two bills related to the issue passed. Under the leadership of Senator David Steel (R-Roy), legislation which requires schools to provide a variety of alternatives for satisfying fee requirements was approved (SB 44-94). In addition, and in spite of the reception of its recommendations by legislators, the School Fee Task Force was reauthorized (HB 71-94). In sum, inaction by the 1994 Utah Legislature on the school fee issue appears to have opened the door for a decision by the courts.

Equalization of capital outlay - In recent years, enrollments in Utah's system of public education have grown at a rate far above the national average.[47] Such growth has not been without its effects. Increased demands have been accompanied by a concomitant increase in the level of resources needed to adequately address growth. Of particular importance is the ongoing need for new school buildings and facilities. Enrollment increases have functioned to intensify this need. The lack of consistent and equitable funding to address this growth has resulted in heated political debates among state policy-makers. At issue are concerns over the state's role in funding such projects at the local level, e.g., How much should the state contribute? How will the state's contribution to local districts be financed? How will the state's contribution be distributed across Utah's 40 school districts?, etc.

In previous years, monies generated at the state level have been set aside to provide financial assistance to local districts in meeting *critical school building and debt service needs.*[48] While the state's contributions to local districts in this area are much less than in other education

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[46]Minutes of the House Education Standing Committee, February 21, 1994; see also "Panel Kills Plan to Allow School Fees," Deseret News, February 22, 1994.

[47]See Annual Report of the Superintendent of Public Instruction, 1993-94, Salt Lake City, Utah: Utah State Office of Education, 1994.

[48]See 1994 Utah Code: Unannotated, 53A-21-101f.

programs, contributions to a given district have traditionally been contingent on local tax effort and demonstrated need. Disparities in the level of student enrollment and growth coupled with disparities in assessed property values across districts, however, have resulted in a distribution of funds that is less than equitable.

Several attempts have been made to equalize capital spending across districts. With the goal of achieving a level of equity comparable with that of the state's basic school program, no less than six bills have been sponsored to equalize the capital outlay spending since 1991.[49] Although addressed once again during the 1994 Legislature, by Session's end the equalization issue remained somewhat unresolved. To understand this state of affairs, a review of two pieces of legislation passed in previous legislative sessions are in order.

In the 1992 General Legislative Session, Representative Kim Burningham (R-Bountiful) proved successful in sponsoring HB 65-92: Equalization of Capital Outlay Monies in Public Education. Though later viewed as flawed, HB 65-92 became a law without the signature of Governor Leavitt. In essence, the bill placed the burden of taxation for capital outlay and debt service on wealthier districts by taking money away from those districts whose tax revenues were *above* the state average and distributing it to districts whose revenues were *below* the state average. As a "recapture" bill, HB 65-92 was received less than enthusiastically by wealthier districts, legislators in these districts, and Governor Leavitt.[50] Nevertheless, the bill passed. Growing dissatisfaction with HB 65-92, however, led to the introduction of a bill in 1993 designed

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[49]These include bills in the 1991, 1992, and 1993 General Sessions and in the 1993 First Special Session. Given that Davis School District is one of the poorer districts in the state (i.e. assessed property valuation per student), it should come as no surprise that the sponsors for five of these six bills have been legislators from Davis County.

[50]Districts hardest hit by this so called "Robin Hood Bill," included Salt lake, Murray, Provo, Park City and others. Districts who benefitted the most from HB 65-92 include Alpine, Granite and Jordan, Cache, and Weber. See "Utahns Must Share Cost Burden to Provide Education Equity," Salt Lake Tribune, February 25, 1992.

to supplant the equalization strategy adopted by the 1992 Legislature. As sponsored by Senator Lane Beattie (R-Bountiful), the Education Capital Outlay and Debt Service Bill (SB 199-93) sought to distribute the burden of taxation more equally across the state. Whereas HB 65-92 had placed the burden on wealthier districts, SB 199-93 called for a phased-in, 2-mill property tax levy across *all* districts.[51] Logistics for the collection and distribution of this property tax were similar to those of the state's income tax. Just as revenues from the income tax are funneled into the Minimum School Program for distribution, so funds generated from this 2-mill, statewide tax would be collected and redistributed to needy districts.

Though more equitable in tax-burden than HB 65-92, SB 199-93 was not without its opponents. The Utah Taxpayers Association - claiming that of all legislation considered during the 1993 Session, SB 199-93 had the potential of generating the largest tax increase - fiercely opposed the bill. In addition, Governor Leavitt, who had been elected on a promise of no new taxes, threatened to veto the bill if passed. On the other hand, two influential, locally-based education organizations voiced support for the bill: the Utah School Boards Association and the Utah Superintendents Association. The bill eventually passed. However, as promised, it was vetoed by the Governor.

In anticipation of his decision to the veto the bill, Governor Leavitt commented, "It is the toughest [decision] I've had to make about this Session."[52] Indeed, it was tough. On the eve of the veto, the Governor faced opposition from many sources: USBA, USSA, UEA and the Utah Legislature. The most visible and potentially damaging threat, however, was voiced by teachers in Davis and other counties who threatened to strike if the Governor vetoed the bill. To minimize the damage posed by these threats, Governor Leavitt met with teachers in Davis County to

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[51]See Laws of Utah: 1993, Senate Bill 199.

[52]"Governor Should Not Veto School Equalization Bill," Deseret News, March 16, 1993.

present his alternative to SB 199-93. The strike was eventually called off and a special session called shortly thereafter in March 1993 to address the equalization issue.

Consistent with his promise for no new taxes, the Governor's alternative plan for the financing of capital outlay in education de-emphasized taxes as a source of revenue.[53] Instead, the Governor proposed that the majority of such revenues be generated through the elimination of sales taxes enjoyed by certain businesses and corporations. On the other hand, contrary to his promise of no new taxes, the Governor's proposal did included an annual $5 million property tax provision.

The task of identifying sales-tax exemptions was given to the Utah Tax Review Commission. Whereas the Commission was charged with generating approximately $5 million through the removal of exemptions for fiscal year 1994-95, by the beginning of the 1994 General Session only $3 million in exemptions had been identified. Examining the same issue, and in stark contrast to the recommendations of the Commission, the Legislature's Revenue and Tax Interim Study Committee had identified only $700,000 in exemptions by January 1994. Hesitant in an election year to push the exemption issue too far, both the Commission and Tax Study Committee fell far short of the targeted exemption level prior to January 1994. However, by the end of the Session, over $5 million had been raised through the elimination of selected sales tax exemptions.[54] Thus, exhibiting a great deal of political savvy, Governor Leavitt proved successful at selling his alternative plan to opposing groups and the Utah Legislature, and with what appears to be a minimal amount of political damage. Yet one wonders if this solution will adequately address the equalization problem in Utah. Has the equalization problem been solved?

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[53]See SB 1-93SS of the 1993 Utah Legislature, First Special Session, March 1993.

[54]See State of Utah: Budget Summary, Fiscal Year 1995 and Fiscal Year 1994 Supplementals. Salt Lake City, Utah: Governor's Office of Planning and Budget, 1994.

Given the controversial and political sensitivity surrounding the removal of sales tax exemptions, can these exemptions be maintained? These questions remain.

In sum, it would appear that the equalization-of-capital-outlay dilemma will continue to be problematic for public education in the State. As the State moves into the next decade, enrollments in public education will continue to climb. Further, and in light of the record-breaking tax revenues enjoyed by the 94 Legislature, the timing and politics of the sales-tax exemption issue remain somewhat perplexing.

Income Tax dedication - As noted above, increasing enrollments in Utah's systems of public and higher education have resulted in demands for greater funding from each. Given that both vie for state funds, the relationship between executives and leaders in these related sectors has varied over the years.[55] According to Abrams, this relationship has been at times cooperative, competitive, and even conflictual.[56] The dynamic nature of this relationship was once again brought to the fore during the 1994 General Legislative Session when Representative Byron Harward (R-Provo) sponsored a resolution to amend the State's Constitution. On the basis of recommendations made by the Utah Constitutional Revision Committee, Harward's resolution proposed that a section of the constitution that commits all state income-tax revenues to public education be eliminated.[57] Arguing that the tax base of public education was sufficiently diversified to withstand the effects of removing this dedication, Harward's resolution was met with unified opposition from the Utah's public education committee. State

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[55]It should be noted that these two sectors, i.e., public and higher education, are only two of many public sectors which depend on and compete for state revenues for continued maintenance and growth.

[56]Douglas Abrams, Conflict, Competition, or Cooperation: Dilemmas of State Educational Policymaking. Albany, NY: State University of New York Press, 1993.

[57]1993 Utah Code: Unannotated, 53A-16-101. See also Constitution of the State of Utah, Article XIII, Section 3.

Superintendent Scott Bean noted, "We look at the Uniform School Fund as a protection against difficult times. This indeed is not the time to eliminate the Uniform School Fund."[58] Joining Bean in opposing the resolution were representatives from the Utah's PTA, UEA, and the Utah School Boards Association. Proponents of the bill argued that removing the dedication would give state lawmakers added flexibility in making allocation decisions.[59]

Though the resolution eventually died in committee, its appearance on the agenda in this and past Sessions and its emergence as a topic of discussion in various policy-making arenas perhaps point to its growing relevance as an issue. Policy-makers in the higher education policy community have consistently voiced concerns about the need for greater funding. More specifically, income tax revenues have been identified by this community as a potential and consistent funding source. Growth in the revenues generated by the income tax in recent years have functioned to increase its attractiveness. As the demands on Utah's system of higher education increase, a rethinking of the income-tax dedication provision is likely to re-emerge as an issue in the near future. The unified opposition displayed by the public education community, however, suggests that the debate on this issue between the public and higher education communities will generate additional controversy and debate.

Substantive Educational Reform

Legislators entertained few new and radically innovative educational reform proposals in 1994. Given the needs of public education and record-setting tax revenues, this proved somewhat surprising. The most notable reforms considered during the Session are offered below.

Centennial Schools - As the centerpiece of the Governor's educational agenda, the Centennial School Program (CSP) was launched by the Utah Legislature during Mike Leavitt's

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[58]Minutes of the House Revenue and Taxation Committee, February 1, 1994.

[59]"School-Tax Proposal Survives," Deseret News, February 3, 1994.

first year in office (1993). So named to commemorate Utah's upcoming centennial year of statehood, CSP has been hailed as the means to push public education to a "whole new level of performance."[60] As such, the Centennial Schools concept remains the center piece of Governor Leavitt's educational reform thrust. Four key organizing principles lie at the heart of the CSP: decentralization of governance via site-based decision making, innovation, strategic planning, and outcome-based education.[61] In addition, the Utah State Office of Education has promised to waive existing educational and procedural policies which inhibit a local school's effort to innovate and restructure.

Of the State's 716 schools, ninety-seven (13.5%) were chosen by the Utah State Office of Education to participate in the program for the 1993-94 year. Moving into the 1994 General Session, Governor Leavitt expressed both approval and concerns about the progress of CSP, "We've clearly opened the track of innovation. We still need to be more bold.....The cross-pollination [of ideas and innovations] that I hoped for has begun. People are seeking out information and trading ideas."[62] Commenting on the Centennial School proposals reviewed in the initial year of the program, Larry Horyna, Coordinator for Planning Efforts at USOE noted, "The Centennial School Proposals [received this year] haven't been futuristic enough.....Few schools have asked for dispensation of rules from the state."[63]

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[60]See Michael O. Leavitt, "1993 State of the State Address," January 17, 1993.

[61]For a detailed discussion of the Centennial Schools Program see Bob L. Johnson, Jr. and David J. Sperry, "The 1993 Utah Legislative Session: Policy Implications for Educational Structure and Governance," Utah Education Policy Center Yearbook, 1993-94.

[62]"Centennial Schools are Key Part of Leavitt's Push to Bring 5-year Plan into Classrooms," Deseret News, January 30, 1994.

[63]Ibid.

While accounts of the progress of individual CSP schools have received widespread attention, educators and policy-makers in the state appear to recognize that it is far too early to assess the success and effects of the program in Utah. Nevertheless, with the intent of continuing and expanding the program into the 1994-95 academic year, the 1994 Legislature appropriated an additional $4.3 million in *seed money* for CSP. Include in this appropriation were funds for an additional 100 Centennial schools.

220-Day School Year - Experimentation with a 220-day school year represents a second reform addressed and funded by the 1994 Utah Legislature. Going into the Session, it is recalled that this initiative was a key agenda item of the State Superintendent of Education, Scott Bean, and the USOE. Testifying before the House Education Committee, Bean articulated two objectives for his proposal: to get students through the system in less time; and to provide schools with the greater opportunity to ground students in the basics, thus preparing more adequately for the post-high school experience.[64]

Legislation regarding the 220-Day proposal was sponsored by Representative Kevin Garn (R-Layton) as HB 102-94, Experimental and Developmental Monies for Public Education. Opposition to the bill focused on two fronts. Members of the Public Education Subcommittee expressed concerns about the funding issues associated with program success. Discerning the link between potential pilot success and the pressure to fund the program statewide, certain members of the Committee saw HB 102-94 as an uncomfortable and costly proposition.[65] This opposition, however, stands in contrast to that offered by the Utah Eagle Forum. Under the leadership and lobbying efforts of President Gayle Ruzicka, HB 102-94 was attacked for its "anti-family"

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[64]See Minutes of the House Standing Committee on Education, January 24, 1994.

[65]"Education Bills Aim to Boost Strategic Plan," Deseret News, February 1, 1994.

overtones. In the words of Ruzicka, "It's a very anti-family bill that takes the children out of the home. It's the parents' responsibility to take care of the children, not the schools."[66]

Recognizing the power wielded by the ultra-conservative Forum and unwilling to engage in a fight on the House floor, Garn abandoned the bill half-way through the Session. "We could have passed it out [of committee], but it wasn't worth the fight," Garn noted.[67] However, the issue did not die. In a politically motivated, slight-of-hand move, republican lawmakers saved the pilot by including it as a part of the larger Minimum School Program Bill (HB 465-94). As such, HB 102-94 represents one of the few radically different and novel public education reform proposals considered and approved by the 1994 Legislature.

Legislation: Higher Education

Consistent enrollment growth in Utah's nine colleges and universities provides the context for understanding many of the issues and debates which have emerged in the state's higher education community in recent years. Much like the scenario in the public education sector, enrollments in Utah's system of higher education have consistently increased since 1985. As noted in Table 2, the student higher-education population in the state rose to 75,805 for the 1993-94 academic year. This number represents an increase of almost 20,000 students over the 1985-86 academic year. Going into the 1994 Session, higher education officials anticipated this number to climb to approximately 80,000 by the fall of 1994.[68] Such figures represent an increase of approximately 4,000 students over the previous year.

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[66]"School-Year Bill Flunks Lobby's 'Family' Test," Salt Lake Tribune, February 2, 1994. See also Minutes of the House Standing Committee on Education, January 24, 1994.

[67]Ibid.

[68]"Utah's Increasing Enrollments at Colleges Defy national Trend," Deseret News, January 22, 1994.

** Insert Table 2 Here **

Concern among lawmakers over the state's ability to sustain this growth appears to have been a dominant issue in many higher education debates in 1994. This would appear to be the case, in spite of the healthy tax surplus enjoyed in the Session. While a list of the approved bills relating to higher education can be found in Table 3, the legislative proposals highlighted below hint directly or indirectly at this larger concern. Whether reflected in efforts to develop an advanced system of information technology or in efforts to increase system accountability (i.e., through an increase in professorial teaching loads and the publication of university salaries), a consideration of the more notable bills and decisions debated in the Session points to efforts to deal with this dilemma.

** Insert Table 3 Here **

Funding of Enrollment Growth and Urgent Student Support - Arguments for additional funding to accommodate enrollment growth in higher education centered on two primary areas in 1994: determining the precise number of FTE students to be funded and urgent student support. Based on projected enrollment growths for the coming year, the Board of Regents requested that the Legislature fund growth for an additional 4,401 students (FTE enrollments). Consistent with past decisions, however, the legislature failed to fund growth at the requested level. Instead, enrollment growth was funded for 3,317 students (82% of the requested level). Debates over enrollment funding lead to sharp disagreements between the legislative fiscal analyst's office, legislators, and Commissioner Foxley over the specific methods used to calculate projected enrollments. "Projected growth is not an exact science," noted Commissioner Foxley in her

Table 2: Utah System of Higher Education
Enrollment History and Projections, 1980-2000
Fall FTE Enrollments

Year	Resident	Non-res	Total
	Actual		
1980-81	42,134	7,904	50,038
1981-82	43,743	7,349	51,092
1982-83	46,599	6,819	53,418
1983-84	48,921	6,416	55,337
1984-85	48,643	5,831	54,474
1985-86	48,617	5,515	54,132
1986-87	50,065	5,290	55,355
1987-88	50,964	5,334	56,298
1988-89	51,395	5,244	56,639
1989-90	54,355	5,672	60,027
1990-91	56,899	6,646	63,545
1991-92	62,569	7,082	69,651
1992-93	65,551	7,673	73,224
1993-94	68,021	7,782	75,805
	Projected		
1994-95	70,722	8,592	79,364
1995-96	71,488	8,319	79,806
1996-97	74,342	8,319	82,671
1997-98	77,333	8,319	85,651
1998-99	82,208	8,319	90,527
1999-00	85,147	8,319	93,466

Source: Utah System of Higher Education Data Book, 1994-95. Salt Lake City, Utah: Utah State Board of Regents and Commissioner of Higher Education, 1994.

Table 3: State of Utah 1994 General Legislative Session
Approved Bills: Higher Education

Bill Number	Title	Lead Sponsor
HB 11:	Utah Valley Community College Name Change	Tanner
HB 68:	Information Technology Commission	Brown
HB 181:	Government Records Amendments	Stephens
HB 295:	Teacher Training in Sensory Impairments	Protzman
HB 458:	Appropriation for Partnership with Troubled Youth	Fox
SB 189:	Higher Education Capital Projects	Blackham
SB 253:	Higher Education Engineering Initiative	Ockey

testimony before the Joint Higher Education Appropriations Subcommittee.[69] "Enrollment has not been fully funded for several years now. Although FTE is down at the U, head-count is up over 300. Revenues are needed to address this need...."

In addition to enrollment-growth funding, the Utah Board of Regents requested $4.3 million for "urgent student support" to address enrollment-related expenses not covered by enrollment funding. Legislators, however, proved reluctant to fund this request. Taking cues from the Legislative Fiscal Analyst's Office, debate ensued as to the precise meaning of "urgent student support".[70] Whereas the Fiscal Analyst's office sought a precise definition of the budget category for the purposes of tracking compliance, Commissioner Foxley encouraged the subcommittee to keep the language of intent flexible so that emergent needs could be addressed as needed at each of the nine higher education sites in the state. In the end, $3 million was allocated for urgent student support for the specific purposes of expanding student counseling services, increasing financial aid opportunities for students, purchasing additional instructional equipment, and increasing library staffing and acquisitions.[71]

Technology - Although discussed here in the context of higher education, technology was also an issue of note in the public education sector in 1994. Perceived as an important means of increasing the efficiency and quality of educational delivery, the technology issue was an agenda item for many key policy actors prior to and during the Session, e.g., Governor Leavitt, Utah Board of Regents, and the State Board and Office of Education. It was the Governor, however, who proved to be the prime mover on the issue in 1994. The technology issue has been a

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[69]Minutes of the Joint Higher Education Appropriations Subcommittee, January 28, 1994.

[70]Minutes of the Joint Higher Education Appropriations Subcommittee, February 2, 1994.

[71]State of Utah: Budget Summary, Fiscal Year 1995 and Fiscal Year 1994 Supplementals. Salt Lake City, Utah: Governor's Office of Planning and Budget, 1994.

consistent gubernatorial theme throughout Leavitt's short tenure. As rearticulated in his 1994 State of the State Address, it remains the Governor's primary means of taking government in Utah to "a whole new level of performance."[72] Evidence for the priority of this issue is seen in it's order of appearance in the 1994 State of the State Address and in recommendations regarding the allocation of resources,....."I begin tonight by addressing a critical need to keep our state's positive momentum: advanced technology. I am more convinced than ever that our future depends on how well and how fast we adapt to the information ecosystem.....It will change our state's public investment patterns. Public schools, higher education, and state agencies must begin to redirect part of what they are spending on traditional bricks and mortar to technology."

With the sun setting on the Educational Technology Initiative (ETI)[73], Governor Leavitt presented his specific ideas on technology to the 1994 Legislature in the form of a new initiative: *Technology 2000.*[74] Claiming that an investment in the program would increase the efficiency and coordination efforts of government and education in the state, the Governor's asked the Legislature for $120 million over a five-year period to finance what many perceived to be his number one legislative priority.[75] Specifically, a down payment of $30 million was requested for fiscal year 1994-95.[76]

Proposals and requests of the Utah State Board of Regents and Utah State Board of Education proved less aggressive. Pointing to the success of the high-tech programs in its system,

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[72]Michael O. Leavitt, "1994 Utah State of the State Address," January 17, 1994.

[73]As established by House Bill 468 by the Utah Legislature in 1991, the Education Technology Initiative (ETI) is a five-year program designed to.....

[74]See Michael O. Leavitt, 1994 Utah State of the State Address, January 17, 1994.

[75]"Is 'Highway' Destined to Be Dirt Road?", Deseret News, February 24, 1994.

[76]Ibid.

the Regents sought funding for technology in the amount of $76 million.[77] In sharp contrast to both of these request, the state's public education community asked for an infusion of $10 million to fund the final year of ETI.[78]

Regardless of the source, proposals for technology funding were met with mixed emotions and quickly became the source of heated political debate among Legislators. Criticisms from lawmakers clustered around two major issues. First, certain legislators noted the proliferation and lack of coordination of technology proposals. Concerned over the amount of funding funneled into ETI since 1990 and the perceived deficiencies in coordination and oversight associated with these funds, demands for greater coordination and control emerged. Second, proposals were criticized as being ideas without plans. This was particularly true of the Governor's proposal. *Technology 2000* was criticized specifically as "an idea with no plan."[79] Acting on cues provided by the Legislative Fiscal Analyst's office, legislators balked at appropriating funds for programs perceived to lack clear goals and coordinated efforts.[80]

The cumulative effect of these and other criticisms was the emergence of bill designed to coordinate the state's effort in building the information highway in Utah. As sponsored by Representative Mel Brown (R-Midvale), HB 68-94 created the Utah Information Technology Commission (ITC). Several broad charges were given to the 19-member ITC; these are listed in Table 4[81]

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[77]"Regents Point to Success of High-Tech Programs," Deseret News, January 27, 1994

[78]"Educators Will Pursue Fund for Critical Areas," Deseret News, January 15, 1994.

[79]See Minutes of the Higher Education Appropriations Subcommittee, January 26, 1994. See also, "Is 'Highway' Destined to Be Dirt Road?"

[80]"Is 'Highway' Destined to Be Dirt Road?"

[81]See HB 68, Information Technology Commission, Laws of Utah, 1994???

** Insert Table 4 Here **

As can be deduced from these charges, the work of ITC is broad and far-reaching. One questions the ability of any single body to address all in a reasonable and adequate manner. Further, the specificity of charges suggests the existence of a perceived need among law-makers to exercise a greater level of coordination and control over the development of the informational technology system in Utah. The political implications of such an effort are manifold. Given the evolving technology, size, and unequal development of information systems across governmental sectors, intra- and inter-sector power struggles are likely.

Moving into the final week of the Session, neither the Governor nor the higher education community had received the requested appropriations for technology. The Governor's request was cut in half by lawmakers and the Higher Education Appropriations Subcommittee had denied the Regents $19 million request.[82] Attempting to influence legislators in his own party and garner additional funding, Governor Leavitt paid his first visit of the Session to GOP caucuses in both Houses. In an impassioned speech Leavitt noted, "Technology will allow us to resolve all of our other problems." He urged lawmakers to change their problem-solving methods and look to technology as the solution in all areas of government.[83] In addition, he asked the Republican legislators to lift money out of the "caucus money pool for pet projects" and give it to his technology initiative.[84] As a result, the Governor was able to generate $2.5 million in revenue from general obligation bonds. Yet while successful in recovering a portion of lost funding, the

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[82]"Is 'Highway' Destined to be Dirt Road?", Deseret News, February 24, 1994.

[83]"Legislative Update," Deseret News, February 25, 1994.

[84]Ibid.

Table 4: Administrative Charges
Utah Information Technology Commission

HB 68-94 - Information Technology Comission
(Source: Laws of Utah, 1994)

1. To study Utah's present and future information technology needs.

2. To make recommendations regarding the coordination and governance of the information technology needs for all branches of state government.

3. To solicit and consider recommendations by all branches of government regarding information technology.

4. To consider the scope of the Public Service Commission's authority to regulate information technology.

5. To consider issues of economic development with regard to information technology.

6. To receive reports from the three branches concerning expenditures and appropriations for technology requests

7. To make recommendations for appropriations regarding information technology to the Executive Appropriations and subcommittees of the legislature.

8. To prepare legislation concerning information technology.

Governor found himself $7 million short of his requested $29 million. Likewise, the appropriation of $9.1 million to the higher education community fell far short of $19 million in requested funding.

Professorial Teaching Loads - For the second year in a row, teaching loads in higher education emerged as an issue in the Utah Legislature. Motivated by the dual concerns of efficiency and quality, a bill aimed at requiring professors to teach 12 to 18 hours a week was drafted in 1994. According to supporters, the intent of the bill was to save approximately $16 million a year in faculty salaries by requiring professors to spend more time in the classroom.[85] In addition, the bill was designed to increase the availability of professors to students.

Arguing that its sponsors were ill-informed as to the problems facing higher education and that the intent of the bill was mis-directed, members of the higher education community expressed unified opposition to the bill. Opposition focused on two issues: 1) the essence of the proposal itself; and 2) the perceived encroachment of Legislative authority in its attempt to micro-manage Utah's System of Higher Education. "It's not a good idea to have the Legislature running the educational system of Utah," Weber State University Professor Lyall Crawford explained.[86] Likewise, Bartell Jensen, vice president for research at Utah State University noted, "Leave the management to the school president. It's always a problem when you have too many managers."[87]

Much like a bill sponsored by Senators Howard Stephensen (R-Draper) and Scott Howell (D-Salt Lake) in the 1993 (SB 45-93), the bill disappeared early in the Session. Its disappearance may be attributed in part to the lobbying efforts of individuals and groups associated with the

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[85]"Legislative Fetters Vex Professors," Salt Lake Tribune, January 2, 1994.

[86]Ibid.

[87]Ibid.

powerful and highly visible higher education community. Nevertheless, the reappearance of this issue on the legislative agenda in 1994 suggests perhaps a growing discontent with institutions of higher education in Utah as well as a growing demand for greater accountability in this area of state government.

Reporting of Professorial Salaries - A second accountability-related bill considered and approved by the 1994 Utah Legislature was the amendment offered to the Utah Government Records Access and Management Act (GRAMA). As proposed by House Majority Leader Marty Stephens (R-Farr West), HB 181-94 was designed to repeal the disclosure exemption enjoyed by higher education. While the wages of other tax-supported positions in the state have been public information for over 15 years, Utah's nine colleges and universities have not been required to publicly disclose employee salaries.[88] System and school officials have long argued that such secrecy protects the privacy of employees. In addition, it has been argued that such secrecy increases the latitude of administrators in hiring new employees.[89]

In sponsoring HB 181-94, however, Stephens noted both the inconsistency of the higher education exemption with the spirit of GRAMA and the obligations and accountability associated with agencies financed by the citizens of Utah. He further noted that Utah is the only state that has failed to fully disclose the salaries of university and college employees.[90] While system officials argued against releasing names with salaries, the work of Stephens with Cecelia Foxley and college and university presidents prior to the vote on HB 181-94 resulted in little opposition from this community. One compromise reached as a result of discussions, however, exempts nonstate-funded compensation from disclosure. From a public-constituency perspective, it would

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[88]1994 Utah Code: Unnannotated, 63-2-207f.

[89]"Utahns May Learn What Profs Make," Salt Lake Tribune, March 12, 1994.

[90]"Legislative Issues," Deseret News, January 9, 1994.

appear that HB 181-94 can be interpreted within the larger context of moves to increase accountability in the system.

Summary, Reactions and Critique of the 1994 Utah Legislative Session

While the educational issues and legislation considered in this review have been necessarily selective, it is argued that such legislation is representative of the larger educational concerns and tensions which defined the 1994 Utah Legislative Session. A selective summary of what the 1994 Legislature did for public and higher education is offered in Table 5. The emergence of these and other issues, however, must be interpreted within the political context of the Session. This context was defined by an array of givens and tensions: unanticipated, record-setting tax revenues; election-year politics; demands for tax relief from a republican-controlled, fiscally-conservative Legislature; demands for tax equity from democratic leaders; aggressive gubernatorial leadership; and the existence of demands created by the deficit-needs of various state agencies.

** Insert Table 5 Here **

In many ways, public and higher education fared quite well during the 1994 Session. Both received healthy budget increases. This was undoubtedly the result of the rosy financial condition of the experienced in 1994. For the first time in state history the legislative budget for public education topped the $1 billion mark. Funding for the basis education program rose by more than $100 million to an all-time high of $1.345 billion.[91] Included in this allocation were $15.5 million for class-size reduction in grades K-3, $4.3 million for the Centennial Schools Program, $1 million for the Educational Technology Initiative, $4.5 million for a 220-day school-year pilot

[91]See HB 465-94, Laws of Utah, 1994.

Table 5: What the 1994 Utah Legislature Did for Public and Higher Education: Selective Summary

Public Education	Higher Education
- allocated over $1.348 billion to Minimum School Program, (6.8% increase over FY 93) - increased the WPU from $1,539 to $1,608 - authorized for a 4.5% pay increase for teachers - allocated over $15 million to class-size reduction in grades K-3 - passed several bills aimed at increasing safety in and around schools - allocated $4.3 million toward continuance and expansion of the Centennial Schools Program - allocated $4.5 million for an experimental 220-day school year pilot program - failed to allocate funds to eliminate textbook fees - provided alternatives for paying school fees for low-income families - repealed $11 million in sales-tax exemptions with approximately $6 million of this allocated to the equalization of capital outlay in education - created a new management system for the State's School-Trust Lands - created a Task Force to study the Property-Tax issue in Utah - allocated $1 million to the Educational Technology Initiative	- allocated over $544 million to the Utah System of Higher Education (increase of approximately 9.2% over FY-93) - gave faculty and staff a 4.5% pay increase; 6.5% to Snow College and College of Eastern Utah - allocated $9.1 million to development and training for information technology system - created an Information Technology Commission to study the technology issue and make recommendations to state government. - appropriated $2.99 million to the Urgent Student Support Program - amended GRAMA to require disclosure of salaries for university professors - issued $75 million in building bonds for projects on various campuses. - allocated $1 million to purchase site in Davis County for college - funded student enrollment FTE growth at 82%, i.e. 3,317 students

program, and an increase in the WPU from $1,539 to $1,608. In addition, the House and Senate reached a compromise that provided teachers with a 4.5% salary increase.[92]

For the first time in many years, hearty approval towards Legislative decisions was expressed by members of the public education community. Commenting on the 4.5% authorized pay increase for teachers, State Superintendent Scott Bean noted, "It's one of the best years we've had in a while. It was really good to see them [the Legislature] approve more than a mere cost-of-living raise. For several years, they've said they'd do that when they had the money and they've kept their word."[93] Noting the bills passed to increased safety in schools and the voted increase of teachers' salaries, UEA President Lily Eskelsen remarked, "It's been a win year for education[94].....better than we've had in a while. But you have to remember, we've had some dismal years."[95]

Although not funded at the levels requested, the Utah System of Higher Education likewise received a healthy budget increase for fiscal year 1994-95. The 1994 Legislature allocated $544 million to higher education, an increase of approximately 9% over FY 93-94. Included as a part of this larger appropriation were faculty and staff pay raises of 4.5%, funding for 82% of anticipated student-enrollment growth (i.e., for 3,317 FTE students), a $9.1 million appropriation for technology, $3 million to the Urgent Student Support Program, $1 million for the purchase of land in Davis County for higher education expansion, and $1 million to pay legal

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[92]Although the 1994 Legislature authorized and funded a 4.5% for teachers in public education, actual raises were negotiated separately with teacher unions in Utah's 40 school districts. Thus, given that local districts in Utah have the right to negotiate local contracts, not all teachers received raises of 4.5%.

[93]"Session Delivers a Little Something for Everyone in Public Education," Deseret News, March 3, 1994.

[94]Ibid.

[95]"Quotes and Qips Sum Up the 94 Session," Deseret News, March 3, 1994.

bills accrued in the anti-trust suite filed against the University of Utah. In addition, the following expenditures for higher education were included as a part of the general-obligation bond projects approved by the 1994 Legislature: $13.5 million for the final renovation of the Marriott Library at the University of Utah, $5.6 million for the Administration and Student Center Building at Southern Utah University, $3.9 million for the Student and Administrative Building at Snow College, $2 million for purchase of the Signetics building for Utah Valley State College.

Expressing concern over unfulfilled budget requests, Utah State Board of Regents spokesperson, Patricia Crane observed, "We came out with more dollars than last year, but there were disappointments too."[96] Disappointment with the Legislature was likewise expressed by Commissioner of Higher Education Cecelia Foxley over appropriations made for technology. Whereas the Regents had requested $76 million over four years for technology, only $9.1 million in one-time money was appropriated by lawmakers. "We'll do as much as we can with it," said Foxley. "But we have to do more with distance learning, if we're to reach rural Utah more effectively and do more joint work with high schools."[97]

Given these legislative decisions, several observations can be made about the work of the 1994 Utah Legislature. In terms of general appropriations, lawmakers authorized by far the largest increase in governmental spending in the State's history. The budget passed for fiscal year 1994-95 represented a $500 million increase over 1993-94 fiscal year. In terms of specific appropriations, (as noted above) both public and higher education sectors greatly benefitted from this increase. Considered together, appropriations for both sectors accounted for approximately 50% of the State's budget for FY 94-95. Yet while increases of smaller increments across sectors would appear to be the norm in times economic growth, the proportional increases approved by

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[96]"Legislative Update," Deseret News, March 4, 1994.

[97]"$9.1 Million Jump-Starts Information Highway," Deseret News, March 3, 1994.

the 1994 Legislature are somewhat ironic. Such increases appear to be at odds with a GOP-dominated Legislature known for its ideological and fiscal conservatism - record tax revenues notwithstanding.

Commenting on the effects of unanticipated revenues on the Legislature's budget and budgeting process, Senate budget chairman LeRay McAllister (R-Orem) observed, "In my 20 years here, we've never had that kind of an increase in spending."[98] Expressing concern and mild disgust over the political maneuvering and pork-barreling associated with excessive revenues, Senator John Holmgren (R-Bear River City) noted, "This year's budget has more Christmas trees and smoke and mirrors than I've ever seen!"[99] Of equal concern and interest, however, are the political implications of revenue growth for state politicians. As noted in the Governor's State of the State address, tax receipts in Utah have in recent months increased faster than citizens' incomes.[100] Given the dominant political culture, philosophy, and view of government in the State, this represents a potential problem. If such a trend continues, resolving this dilemma will be a critical issue for lawmakers in coming years. Nevertheless, it spite of the political implications of this dilemma and the state's conservative fiscal reputation, the 1994 Utah Legislature appeared to enjoy *rolling in the dough.*

In addition to rolling in the dough, it is worth noting that much like the 1993 Session, Governor Mike Leavitt witnessed success in realizing most of his legislative agenda, particularly in education. Having now experienced two legislative session as governor, Leavitt has proven remarkably successful at selling his agenda to lawmakers. In 1993, the Legislature quickly and

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[98]"Budget Goals Thrown Awry by Money," Deseret News, March 3, 1994.

[99]"When Asked to Share Wealth With Poor, Utah Legislators Turn Into Scrooges," Salt Lake Tribune, March 5, 1994.

[100]Governor Michael O. Leavitt, "1994 Utah State of the State Address," January 17, 1994.

unanimously adopted his Centennial Schools Program - the cornerstone of his educational reform policy. As noted above, support for the continuance and expansion of this program was reflected when the 1994 Legislature increased appropriations to the program by approximately $2 million. Likewise, Leavitt proved politically bold, astute, and successful in 1993 at vetoing legislation aimed at equalizing capital outlay in public education, going against the wishes of the Legislature and UEA and supplanting the bill with an idea of his own. Though the details of this plan were still being addressed in the 94 Session, the political fallout from his veto and proposal has been minimal. In addition, Leavitt has proven effective at garnering the necessary resources for his technology agenda. Through persistence and political maneuvering, he was able to identify pockets of revenue during the 1994 Session to fund a large portion of his $29 million request.

Reflecting on this record, three factors appear to have played a role in Governor Leavitt's success to date: timing, revenues, and initiative. The existence of record-setting tax revenues at the state level would appear to be a factor working in the Governor's favor. Reason suggests that the probabilities for an elected official's political success are greater in times of munificence than in times of scarcity. The existence of the surplus witnessed in 1994 led to healthy budget increases for most state agencies. In this sense, Leavitt enjoys an advantage not afforded his two predecessors: Norm Bangerter and Scott Matheson. In addition to these factors, the initiative shown by Leavitt in pushing his agenda forward appears to be a third element contributing to his success with the Utah Legislature. In his short tenure as Governor, Leavitt has exhibited a leadership style that is strategic, intense, determined, and focused. While the favorability of success is perhaps greater in times of economic expansion, this favorability is increased for the official who exhibits a proactive and aggressive leadership style. Given these factors, the probabilities of Leavitt's continued success in this area appear to be quite favorable.

Yet in spite of record setting revenues, healthy budget increases, and gubernatorial success with the legislature, it would appear that the 1994 Legislature did little in terms of innovative and substantive reform. Instead, the Legislature seemed content with maintaining the status quo, opting for incremental increases in existing programs and agencies. In this sense, lawmakers *avoided serious reform*. Windfall revenues provided lawmakers the opportunity to fund many of those strategic and innovative educational reform measures adopted three years earlier by the Legislature in the progressive and visionary Strategic Plan for Public Education. Instead, the 1994 Legislature opted for business as usual, *but* at higher spending levels. Record setting revenues provided legislators with an opportunity to relive stress in several critical areas of public and higher education. Instead lawmakers chose to offer a tax cut that proved more symbolic than substantive.[101]

To be sure, budget increases in both sectors were much needed and welcomed. Further, such increases proved to be politically expedient. In spite of these increases and this expediency, however, it would appear that many critical needs remain in both public and higher education. In light of the high pupil-teacher ratio which exists in Utah's system of public education, more funds could have been appropriated by the 1994 Legislature for class-size reduction. The pupil-teacher ratio in Utah remains the highest in the nation. Likewise, as a means of innovatively addressing the educational needs of the state, lawmakers could have proven more visionary in their funding of technology in both public and higher education sectors. As noted earlier, appropriations for technology in higher education were funded at levels much lower than those requested. In addition, Governor Leavitt was forced to "go to the mat" on several occasions in seeking needed funds for his *Technology 2000* initiative - a proposal which potentially has great promise. Equally

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[101]The much publicized one-eighth cent sales-tax cut was little more than a token.Such a cut amounts to a savings of approximately $6 per year off the average family grocery bill.

as perplexing is the school-fees issue. As noted earlier, the Interim Legislative Task Force on school fees recommended to the Legislature that an appropriation of $3.6 million be made to eliminate the use of textbook fees. This proposal, however, was rejected early in the Session. Instead, legislators opted for the one-eighth cent (approximately $23 million in potential state revenue) sales-tax cut. While the needs articulated here are in no way meant to be exhaustive, they are offered as examples of some of the needs which appear to remain in Utah's public and higher education systems.

It has often been said that times of plenty reveal the priorities of a governing body as much as times of want. The late Governor of Utah and master of political operations, Scott Matheson, is noted as saying that the more money the Legislature has, the more difficult the session will be.[102] If in fact these observations are valid, one is led to consider the priorities reflected in the actions and decisions of the 1994 Legislature. Without a doubt, this Legislature found itself in unfamiliar territory. The dilemma created by record-setting tax revenues - that of determining how to slice a larger pie - certainly proved to a source of vexation to lawmakers. Though unfamiliar, however, lawmakers did proceed to divide up the largest pile of taxpayer cash it had ever seen, approving a $4.5 billion budget. What can be said of this? To this observer, the budgeting philosophy and allocation decisions made by the 1994 Legislature are consistent with the larger conservative political culture of the state.[103] Such decisions reflect a satisfaction with and desired maintenance of the *status quo* in state government. The across-the-board, incremental budget increases approved by the 1994 Utah Legislature coupled with the election year tax-cut nod reflect a *business-as-usual* view of government. Yet while such an approach is

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[102]Quoted by Bob Bernick, long-time political columnist for the Deseret News. See "Prediction of $201 Million in New Money Prompts GOP to Seek Tax Relief," Deseret News, December 16, 1993.

[103]For a detailed discussion of the political culture and values of Utah State Government see Bob L. Johnson, Jr., "In Search of a Coherent Policy of Reform: A Longitudinal Examination of Educational Reform in Utah," International Journal of Educational Reform, v3 n4 p384-400 Oct 1994.

politically expedient in that "everyone gets something," it fails to address the long terms needs of the state. In the context of public and higher education, the failure to pursue a more long-range agenda in the allocation of resources results in temporary fixes at the expense of long-term needs. Short term, political demands are addressed at the expense of the more deeply-rooted needs of the state's educational infra-structure. Rather than granting across-the-board, incremental budget increases, the 1994 Legislature could have proven more adept at allocating resources more strategically. While such an approach is perhaps less expedient in a political sense, it would appear that allocating resources in this manner would function to: 1) buffer to a degree the effects of future economic fluctuations on the state's education systems; 2) prevent the creation of expectations among state agencies and citizens that can't be maintained; 3) allow the state to invest in those areas of education innovation and reform that are seen as most promising and productive. While the short-term outlook for the continued growth of state revenues is promising, the uncertainty presented by the more distant future suggests that the state be more strategic in its investments in public and higher education. Given the value afforded education by the citizens of Utah and in light of the decisions made by the 1994 Utah Legislature, this would appear to be a reasonable suggestion for Utah policy-makers in the coming years. Two useful starting points for this strategizing are found in the Utah Strategic Plans for Public and Higher Education.